



2025 South Dakota Legislature

House Bill 1112

Introduced by: **Representative** Garcia

1 **An Act to require the coverage of biomarker testing in certain health insurance**
2 **policies.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 58-17:**

5 Any policy of health insurance delivered, issued for delivery, or renewed in this
6 state, on or after January 1, 2026, must provide coverage for biomarker testing, when
7 ordered by a qualified health care provider operating within the provider's scope of
8 practice, for the purposes of diagnosis, treatment, appropriate management, or ongoing
9 monitoring of an enrollee's disease or condition, and when the testing is supported by
10 medical and scientific evidence.

11 For the purposes of this section, the following terms mean:

12 (1) "Biomarker," a characteristic that is objectively measured and evaluated as an
13 indicator of a normal biological process, pathogenic process, or pharmacologic
14 response to a specific therapeutic regimen; and

15 (2) "Biomarker testing," the analysis of a patient's tissue, blood, or other biospecimen
16 for the presence of a biomarker.

17 This section does not apply to policies that provide specified disease or other limited
18 benefit coverage.

19 **Section 2. That a NEW SECTION be added to chapter 58-18:**

20 Any group health policy delivered, issued for delivery, or renewed in this state, on
21 or after January 1, 2026, must provide coverage for biomarker testing, when ordered by
22 a qualified health care provider operating within the provider's scope of practice, for the
23 purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of an
24 enrollee's disease or condition, and when the testing is supported by medical and scientific
25 evidence.

1 For the purposes of this section, the following terms mean:

2 (1) "Biomarker," a characteristic that is objectively measured and evaluated as an
3 indicator of a normal biological process, pathogenic process, or pharmacologic
4 response to a specific therapeutic regimen; and

5 (2) "Biomarker testing," the analysis of a patient's tissue, blood, or other biospecimen
6 for the presence of a biomarker.

7 This section does not apply to policies that provide specified disease or other limited
8 benefit coverage.

9 **Section 3. That a NEW SECTION be added to chapter 58-18B:**

10 Every small employer health benefit plan delivered, issued for delivery, or renewed
11 in this state, on or after January 1, 2026, must provide coverage for biomarker testing,
12 when ordered by a qualified health care provider operating within the provider's scope of
13 practice, for the purposes of diagnosis, treatment, appropriate management, or ongoing
14 monitoring of an enrollee's disease or condition, when the testing is supported by medical
15 and scientific evidence.

16 For the purposes of this section, the following terms mean:

17 (1) "Biomarker," a characteristic that is objectively measured and evaluated as an
18 indicator of a normal biological process, pathogenic process, or pharmacologic
19 response to a specific therapeutic regimen; and

20 (2) "Biomarker testing," the analysis of a patient's tissue, blood, or other biospecimen
21 for the presence of a biomarker.

22 This section does not apply to policies that provide specified disease or other limited
23 benefit coverage.